



AUSTIN CITY COUNCIL MINUTES

REGULAR MEETING
THURSDAY, JANUARY 11, 2007

Invocation: Rev. Cathy Norman, Church of Scientology

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, January 11, 2006 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:22 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Martinez' motion, Council Member McCracken's second on a 7-0 vote.

1. Approval of the minutes of the Austin City Council from the regularly scheduled meeting of December 14, 2006.
The minutes from the meeting of December 14, 2006 were approved.
2. Approve a resolution establishing a single maximum annual rebate limit of \$200,000 for the implementation of energy efficiency measures by commercial customers, including thermal energy storage systems. There is \$2,000,000 budgeted in the Fiscal Year 2006-2007 for Austin Energy's Commercial Energy Efficiency Rebate Program and \$400,000 is budgeted for the Commercial Thermal Energy Storage Program. Recommended by the Resource Management Commission and the Electric Utility.
Resolution No. 20070111-002 was approved.
3. Approve the issuance of a Letter of Intent for a solar rebate in the amount of \$99,066.24 to the American Bank of Commerce for the installation of a solar photovoltaic system. Funding is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.
The motion authorizing the issuance of a letter of intent was approved.
4. Approve a resolution authorizing acceptance of grants from the Federal Aviation Administration, the Transportation Security Administration, and other agencies of the United States Government in an amount not to exceed \$30,000,000, for Austin-Bergstrom International Airport for Fiscal Year 2006-2007. Grant reimbursement will apply to projects in the Fiscal Year 2006-2007 Capital or Operating Budgets of the Aviation Department. Grant funds will be placed in the Airport Capital Fund, the ABIA

Improvement Funds and/or the ABIA Operating Fund. Recommended by the Austin Airport Advisory Commission.

Resolution No. 20070111-004 was approved.

5. Approve the negotiation and execution of an Amendment to the Interlocal Agreement between the City and the Capital Area Council of Governments (CAPCOG) for the purpose of acquiring additional planimetric and topographic data through the existing contract between CAPCOG and Sanborn Map Company, Inc., in an amount not to exceed \$425,000. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Financial and Administrative Services Department, Communications and Technology Management Office.
The motion authorizing the negotiation and execution of an amendment to the interlocal agreement was approved.
6. Approve an ordinance authorizing acceptance of \$195,345 in grant funds from the Texas Department of State Health Services, Immunization Branch, Austin, TX; and amending the Fiscal Year 2006-2007 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20060911-001 to appropriate \$195,345 for a total grant amount of \$694,345 for the Community Immunization program to provide vaccination and immunization services to prevent and reduce the incidence of vaccine preventable diseases and add four full-time equivalent positions. Funding is available from the Texas Department of State Health Services, Immunization Branch. The grant period is September 1, 2006 through August 31, 2007. No City match is required.
Ordinance No. 20070111-006 was approved.
7. Approve ratification and execution of an Interlocal Agreement between the City, Travis County and the Travis County Juvenile Board in an amount not to exceed \$36,246, with three 12-month renewal options in an amount not to exceed \$36,246 per renewal option, for a total agreement amount not to exceed \$144,984 for the Truancy Court Program to provide chronic truancy intervention. Funding in the amount of \$36,246 is available from the Fiscal Year 2006-2007 Operating Budget for the Health and Human Services Department. The contract period is October 1, 2006 through September 30, 2007. Funding for renewal options is contingent on available funding in future budgets.
The motion authorizing the ratification and execution of an interlocal agreement was approved.
8. Approve an ordinance amending the Fiscal Year 2006-2007 Municipal Court Operating Budget Technology Fund of Ordinance No. 20060911-001 to increase budgeted expenditures by an amount of \$140,197 and to decrease the ending balance by the same amount. Funding is available in the Fiscal Year 2006-2007 Court Technology Fund ending balance. (Related to Item # 45)
Ordinance No. 20070111-008 was approved.
9. Approve a resolution authorizing negotiation and execution of an agreement with AMLI Residential, L.P., for the reimbursement of streetscape improvement costs for the project located at 401 West 3rd Street, under the Great Streets Development Program, in an amount not to exceed \$446,490. Funding is available in the Fiscal Year 2006-2007 Amended Capital Budget of the Neighborhood Planning and Zoning Department from Great Streets Parking Meter Revenue.
Resolution No. 20070111-009 was approved.
10. Approve an ordinance to annex the Avery Ranch Areas: (1) Tract One: Avery Far West Phase 1, Section 5; Avery Far West Phase 2, Section 1; and Avery Far West Phase 2, Section 2 (Approximately 56 acres in Williamson County north of Avery Ranch Blvd at the intersection of Avery Ranch Blvd. and Nearabout Rd.; and (2) Tract Two: Avery Commercial Southwest; and Avery Church Subdivision (Approximately 14 acres in Williamson County at the southwest corner of the intersection of Avery Ranch Blvd. and

Parmer Lane; and waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation. Funding necessary to provide general governmental services to this tract is available in the budgets of the departments that will be providing the services.

Ordinance No. 20070111-010 was approved.

11. Approve a resolution authorizing an Interlocal Agreement regarding the release of extraterritorial jurisdiction (ETJ) to the Village of Bee Cave (approximately 145 acres approximately two miles west of the intersection of SH 71 and RM 3238, will be released from Austin's ETJ to Bee Cave's ETJ). Reviewed by the Environmental Board.

Resolution No. 20070111-011 was approved.

12. Approve an ordinance amending Sections 4-2-1 and 4-2-21 of the City Code relating to alarm systems. No additional funding is required.

Ordinance No. 20070111-012 was approved.

13. Authorize the acceptance of \$67,680 in grant funding from the U.S. Department of Justice, Office of Justice Programs Fiscal Year 2006 Bulletproof Vest Program; and amend the Fiscal Year 2006-2007 Operating Budget of the Police Department Special Revenue Fund Ordinance 09112006-001 to appropriate \$67,680 in grant funding to buy bulletproof vests. Funding is available for the grant period October 1, 2006 to September 30, 2009. A 50% match in the amount of \$67,680 is required and was obligated with a prior procurement during Fiscal Year 2005-2006 from the Operating Budget for the Austin Police Department.

Ordinance No. 20070111-013 was approved.

14. Approve an ordinance establishing classifications and positions in the classified service of the police department; eliminating and creating certain positions; repealing ordinance number 20061019-016 relating to police department classifications and positions; and declaring an emergency. Funding is included in the Approved Fiscal Year 2006-2007 Operating Budget for the Police Department.

Ordinance No. 20070111-014 was approved.

15. Approve a resolution to authorize the negotiation and execution of a contract for the fee simple acquisition of a 2.68 acre tract of land from PARMER/SPECTRUM EAST, L.P., a portion of a tract of land described as Parcel 2 as recorded in Document No. 2001096516 of the official public records of Williamson County, Texas, located at the southeast corner of the Parmer Lane and Spectrum Drive intersection, in an amount not to exceed \$1,300,000. Funding is included in the Fiscal Year 2006-2007 Capital Budget of the Austin Fire Department.

Resolution No. 20070111-015 was approved.

16. Authorize negotiation and execution of up to a four-month lease renewal for 5,983 square feet of office space for the Family Violence Protection Team of the Austin Police Department, located at 1106 Clayton Lane, Suites 415E, 456E and 490E, from TWIN TOWERS LTD. PARTNERSHIP, in an amount not to exceed \$28,798.32. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Police Department.

The motion authorizing the negotiation and execution of a lease renewal was approved.

17. Authorize execution of a construction contract with PEABODY GENERAL CONTRACTORS, INC, (WBE/FR 83.0%), Dripping Springs, TX, for the Dessau Wastewater Treatment Plant Fish Tract Lift Station Project in the amount of \$488,000 plus a \$48,800 contingency, for a total contract amount not to exceed \$536,800. Funding in the amount of \$536,800 is included in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. Lowest of three responsive bids received. This contract

will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals. 17.00% MBE and 0.00% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract was approved.

18. Authorize execution of a construction contract with BRH-GARVER CONSTRUCTION, LP, Houston, TX, for the Walnut Creek Service to Annexed Areas Project B in the amount of \$6,384,876 plus a \$319,244 contingency, for a total contract amount not to exceed \$6,704,120. Funding in the amount of \$6,704,120 is available in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. Lowest of three bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals. 6.69% MBE and 79.26% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract was approved.

19. Authorize execution of a construction contract with MCLEAN CONSTRUCTION, LTD., Killeen, TX, for the construction of the Nagle Annexation Wastewater Improvements Project in an amount not to exceed \$474,759.50. Funding is available in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. Lowest of seven bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals, 29.38% MBE and 7.54% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract was approved.

20. Authorize execution of a construction contract with SMITH CONTRACTING CO., INC., Austin, TX, for wastewater construction on the Austin Clean Water Program: Govalle 5 - Johnson Creek Project in an amount not to exceed \$926,844.45. Funding is available in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. Lowest of nine bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals. 24.02% MBE and 6.04% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract was approved.

21. Authorize execution of a construction contract with WESTERN STATES FIRE PROTECTION CO., Pflugerville, TX, for the Austin-Bergstrom International Airport Terminal Fire Protection Improvements Project in an amount not to exceed \$388,871.45. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Department of Aviation. Lowest of two bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Woman-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by Austin Airport Advisory Commission.

The motion authorizing the execution of a construction contract was approved.

22. Approve a resolution authorizing the negotiation and execution of an Amendment to the Advance Funding Agreement between the City and the Texas Department of Transportation (TxDOT) for the Austin Crosstown Bikeway (now known as the Lance Armstrong Bikeway) to allow TxDOT to construct a portion of the bikeway as part of the Project and to allow the City to provide its contribution to the construction in an amount not to exceed \$70,300. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Public Works Department.

Resolution No. 20070111-022 was approved.

23. Authorize negotiation and execution of a professional services agreement with LOCKWOOD, ANDREWS and NEWNAM, INC., Austin, TX, for preliminary engineering services for the Lost Creek Wastewater Pump Over Project in an amount not to exceed \$300,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Best qualification statement of 11 statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals. 16.50% MBE and 16.40% WBE subconsultant participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the negotiation and execution of a professional services agreement was approved.
24. Authorize the advertisement for sealed bid offers and authorize the negotiation of final offers for the sale of a tract consisting of 11,376 square feet of a tract known as 920-926 West 3rd Street (at Lamar), for not less than the fair market value of \$1,200,000.
The motion authorizing the advertisement for sealed bid offers and authorizing the negotiation of final offers for the sale of a tract of land was approved.
25. Authorize the renaming of the Far North Community Health Center, located at 928 Blackson Avenue (formerly known as the St. John's Public Health Center), to the A.K. Black Community Health Center. Funding in the amount of \$5,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Community Care Services Department. Federally Qualified Health Center Governing Board, October 19, 2006.
The motion authorizing the renaming of the Far North Community Health Center was approved.
26. Approve a resolution amending Resolution No. 20060608-025 authorizing the negotiation and execution of all appropriate documents for the TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) to waive the City's local match fund participation requirement of \$60,997.00 for the Channel Road Bridge at Rocky Cliff Slough project, an authorized federal off-system bridge program project, and for the City's performance of an equivalent amount of structural work on the Circle S Bridge #1 over South Boggy Creek (0.90 miles South of William Cannon Drive) project and the Burleson Road Bridge at Country Club Creek project.
Resolution No. 20070111-026 was approved.
27. Approve a resolution amending Resolution No. 20060608-026 authorizing the negotiation and execution of all appropriate documents for the TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) to waive the City's local match fund participation requirement of \$77,468.00 for the Old Manor Road Bridge at Tannehill Branch project, an authorized federal off-system bridge program project, and for the City's performance of an equivalent amount of structural work on the Circle S Bridge #1 over South Boggy Creek (0.90 miles South of William Cannon Drive) project and the Burleson Road Bridge at Country Club Creek project.
Resolution No. 20070111-027 was approved.
28. Approve an ordinance amending Section 12-4-63 of the City Code to modify the 20 mile per hour school zones on Walsh Tarlton Lane for Hill Country Middle School and Cedar Creek Elementary School. Funding in the amount of \$22,300 is available in Fiscal Year 2006-2007 Operating Budget of the Public Works Department for the installation of necessary signs.
Ordinance No. 20070111-028 was approved.
29. Approve an ordinance amending Section 12-4-24 of the City Code to establish a maximum speed limit of 25 miles-per-hour on residential streets within the Hyde Park Neighborhood area, bounded by Guadalupe

Street, 38th Street, East 51st Street, Red River Street, and the Austin and NW Railroad Line. Funding in the amount of \$10,800 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department for the installation of necessary signs.

Ordinance No. 20070111-029 was approved.

30. Approve an ordinance amending Section 12-4-64 of the City Code to establish a 25 mile per hour school zone on a portion of Harrisglenn Drive for Dessau Elementary School, Delco Primary School, and Dessau Middle School. Funding in the amount of \$12,600 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department for the installation of the appropriate speed limit signs and two warning beacons.

Ordinance No. 20070111-030 was approved.

31. Authorize award and execution of a 12-month requirements supply contract with SCHERING-PLOUGH ANIMAL HEALTH, Union, NJ, to purchase Home Again Implantable microchips and scanners for the Town Lake Animal Center in an estimated amount not to exceed \$72,000, with four 12-month extension options in an estimated amount not to exceed \$72,000 per extension option, for a total contract amount not to exceed \$360,000. Funding in the amount of \$54,000 is included in the Fiscal Year 2006-2007 Operating Budget of the Health and Human Services Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract was approved.

32. Authorize award and execution of a 12-month requirements service contract with AMERICAN SOCIETY FOR QUALITY, Milwaukee, WI, for the purchase of customer satisfaction research services for Austin Energy in an estimated amount not to exceed \$50,000, with two 12-month extension options in an estimated amount not to exceed \$50,000 per extension option, for a total estimated contract amount not to exceed \$150,000. Funding in the amount for \$37,500 is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements service contract was approved.

33. Authorize award, negotiation and execution of a 12-month contract with DETECTENT, INC., Escondido, CA, for the identification of commercial accounts that appear to be involved in theft of electrical energy in an estimated amount not to exceed \$311,000, with three 12-month extension options in an estimated amount not to exceed \$311,000 per extension option, for a total estimated contract amount not to exceed \$1,244,000. Funding in the amount of \$207,333 is available in the Fiscal Year 2006-2007 Operating Budget for Austin Energy. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award, negotiation and execution of a contract was approved.

34. Authorize award and execution of Amendment No. 1 to the service agreement with SOLAR TURBINES, Houston, TX; JET TURBINE SERVICE, Boca Raton, FL; TRANS CANADA TURBINES, Calgary,

Alberta; WOOD GROUP/PRATT WHITNEY Windsor Locks, CT; and GE PACKAGED POWER, INCORPORATED, Houston, TX for gas turbine generator maintenance to increase the current term and each of the four 12-month extension options in an estimated amount not to exceed \$750,000 for each term, for a revised total estimated contract amount not to exceed \$7,500,000. Funding in the amount of \$562,500 is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. Funding for the remaining month of original contract period and extension options is contingent upon available funding in future budgets. Contract Amendment. This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of amendment number 1 to the service agreement was approved.**

35. Authorize award, negotiation and execution of a contract with IFACTOR CONSULTING, Westminster, CO. for the purchase of data conversion, software installation and training in an amount not to exceed \$170,920. Funding is available in the Fiscal Year 2006-2007 Operating Budget for Austin Energy. Sole proposal received. This purchase will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award, negotiation, and execution of a contract was approved.**
36. Authorize award and execution of Amendment No. 1 to the contract with PK&L CONSTRUCTION, INCORPORATED, Austin, TX (WBE/FR 32.5%); PRO SERV SANDERS, INCORPORATED, Corpus Christi, TX, and THIELSCH ENGINEERING, INCORPORATED, Austin, TX, for power plant maintenance services for an increase to the current term in an estimated amount not to exceed \$1,200,000, for a revised total estimated amount not to exceed \$14,200,000. Funding is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. Contract Amendment. This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). Subcontractor participation to date: 0.17% MBE and 0.13% WBE (PK&L); 0.00% MBE and 0.00% WBE (Pro Serv); & 0.00% MBE and 0.00% WBE (Thielsch). **This item was postponed to January 25, 2007.**
37. Authorize award and execution of a 24-month service contract with RDO EQUIPMENT COMPANY, Pflugerville TX, for rental of a front-end loader for the Austin Water Utility Department in an amount not to exceed \$300,840, with two 12-month extension options in an amount not to exceed \$150,420 each, for a total contract amount not to exceed \$601,680. Funding in the amount of \$112,815 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility Department. Funding for the remaining fifteen months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program.) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of a service contract was approved.**
38. Authorize award and execution of a 12-month requirements supply contract with GT Distributors, Inc., Austin, TX, for parts and accessories for Whelen light bars in an estimated amount not to exceed \$75,000, with four 12-month extension options in an estimated amount not to exceed \$75,000 per extension option, for a total estimated contract amount not to exceed \$375,000. Funding in the amount of \$56,250 is available in the Fiscal Year 2006-2007 Approved Operating Budget of Communication & Technology Management. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be

awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract was approved.

39. Authorize award and execution of a 12-month requirements supply contract with MOTOROLA, INC., Carrollton, TX, for Motorola two-way radio parts and accessories in an estimated amount not to exceed \$280,000, with four 12-month extension options in an estimated amount not to exceed \$280,000 per extension option, for a total estimated contract amount not to exceed \$1,400,000. Funding in the amount of \$210,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Communications and Technology Management Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract was approved.

40. Authorize award and execution of Amendment No. 9 to a contract with MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC., Austin, TX, for the purchase of additional software, training, licenses and maintenance for the Customer Service Request system in an amount not to exceed \$174,520, and to increase the final extension option for maintenance and support, in an amount not to exceed \$31,600, for a revised total contract amount not to exceed \$1,140,604. Funding in the amount of \$25,000 is included in the Fiscal Year 2006-2007 Capital Budget of Austin Energy. Funding in the amount of \$149,520 is included in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. Funding for the remaining extension option is contingent upon available funding in future budgets. Contract Amendment. This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

The motion authorizing the award and execution of amendment number 9 to a contract was approved.

41. Authorize award and execution of a 12-month requirements supply contract with TESSCO TECHNOLOGIES, Hunt Valley, MD, for two-way radio parts and accessories in an estimated amount not to exceed \$250,000, with three 12-month extension options in an estimated amount not to exceed \$250,000 per extension, for a total estimated contract amount not to exceed \$1,000,000. Funding in the amount of \$187,500 is available in the Fiscal Year 2006-2007 Operating Budget of Communication & Technology Management. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract was approved.

42. Authorize award, negotiation, and execution of a 36-month requirements service contract with SILENT PARTNERS, INC., Austin, TX, for the editing and cross-platform publishing of clinical operating guidelines in an estimated amount not to exceed \$103,486, with three 12-month extension options in an estimated amount not to exceed \$17,280 per extension option, for a total estimated contract amount not to exceed \$155,326. Funding in the amount of \$51,694 is included in the Fiscal Year 2006-2007 Operating Budget of the Emergency Medical Services Department. Funding for the remaining twenty seven months of the original contract period and the extension options is contingent upon available funding in future

budgets. Sole proposal received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award, negotiation and execution of a requirements service contract was approved.

43. Authorize award and execution of a contract with LONE STAR BMW TRIUMPH, Austin, TX, for the purchase of 21 replacement police motorcycles in an amount not to exceed \$457,380. Funding is available in the Fiscal Year 2006-2007 Vehicle Acquisition Fund of the Financial and Administrative Services Department. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program.) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a contract was approved.

44. Authorize award and execution of a 48-month lease through the State of Texas Multiple Award Schedule (TXMAS) with XEROX CORPORATION, Austin, TX, for digital copy machines in an amount not to exceed \$352,201.44. Funding in the amount of \$66,037.77 is available in the Fiscal Year 2006-2007 Operating Budget of the Library Department. Funding for the remaining 39 months of the original contract period is contingent upon available funding in future budgets. Cooperative purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.

The motion authorizing the award and execution of a lease was approved.

45. Authorize award and execution of Amendment No. 3 to a contract with PROFESSIONAL COMPUTER SOFTWARE SERVICES, Boiling Springs, SC, to purchase additional software licenses, consulting services, system enhancements, and maintenance for Municipal Court in an amount not to exceed \$352,697; increase the remaining three extension options in amounts not to exceed \$502,796, \$384,611, and \$416,442 respectively; and add one additional extension option in an amount not to exceed \$623,702, for a revised total contract amount not to exceed \$4,606,591. Funding in the amount of \$352,697 is available in the Fiscal Year 2006-2007 Operating Budget of the Municipal Court Technology Fund. Funding for the extension options is contingent upon available funding in future budgets. Contract amendment. This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract. (Related to Item # 8)

The motion authorizing the award and execution of amendment number 3 to a contract was approved.

46. Authorize award, negotiation and execution of 9-month service agreement with PEOPLEFUND, Austin, TX, for technical assistance consulting services in an amount not to exceed \$150,000. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Neighborhood Housing and Community Development Department. Sole proposal received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award, negotiation and execution of a service agreement was approved.

47. Authorize award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with CXT INCORPORATED, Hillsboro, TX, for the purchase and installation of a prefabricated restroom and

shower facility for Big Stacy Pool in an amount not to exceed \$92,560.57. Funding is available in the Fiscal Year 2006-2007 Capital Improvement Project (CIP) Budget for the Parks and Recreation Department. Cooperative Purchase This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified, therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of a contract was approved.**

48. Authorize award and execution of a 12-month requirements supply contract with LEHIGH SAFETY SHOE COMPANY, LLC, Nelsonville, OH, for safety shoes and boots for the Solid Waste Services Department in an estimated amount not to exceed \$64,037, with three 12-month extension options in an estimated amount not to exceed \$64,037, for a total estimated contract amount not to exceed \$256,148. Funding in the amount of \$48,028 is available in the Fiscal Year 2006-2007 Operating Budget of the Solid Waste Services Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program.) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract was approved.

49. Authorize award and execution of a 12-month requirements supply contract with LAUREN CONCRETE LP, Austin TX, for ready mix concrete for the Watershed Protection and Development Review Department in an estimated amount not to exceed \$84,465, with two 12-month extension options in an estimated amount not to exceed \$84,465 per extension option, for a total estimated contract amount not to exceed \$253,395. Funding in the amount of \$63,349 is available in the Fiscal Year 2006-2007 Operating Budget of the Watershed Protection and Development Review Department. Funding for the remaining three months and extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program.) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract was approved.

50. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>2006 Bond Oversight Committee</u>		
Jennifer McPhail	Mayor Pro Tem Dunkerley's	Appointment
Dave Sullivan	Council Member Leffingwell's	Appointment
Melvin Wrenn	Council Member McCracken's	Appointment
<u>Housing Authority of the City of Austin</u>		
Tyra Duncan-Hall, Ph.D.	Mayor Wynn's	Reappointment
Henry Flores	Mayor Wynn's	Reappointment
<u>Library Commission</u>		
Carolyn Goldston	Council Member Cole's	Appointment

Urban Transportation Commission

Andrew Bucknall

Melissa Whaley Hawthorne

Greg Sapire

Council Member Leffingwell's

Mayor Pro Tem Dunkerley's

Council Member McCracken's

Reappointment

Appointment

Appointment

51. Approve waiver of fees and requirements under Chapter 14-8 of the City Code, and authorize payment of certain costs for the 2007 Martin Luther King Jr. parade to be held January 15, 2007. (Mayor Will Wynn Council Member Sheryl Cole Council Member Mike Martinez)
The motion authorizing the waiver of fees and requirements was approved.
52. Approve waiver of the signature requirement under Chapter 14-8 of the City Code for the "2007 Texas: Imagine the Possibilities Inaugural Parade", to be held on January 16, 2007. (Mayor Will Wynn Council Member Brewster McCracken)
The motion authorizing the waiver of the signature requirement was approved.
53. Approve an ordinance creating a Homestead Preservation District under Local Government Code Chapter 373A, and establishing an effective date. (Council Member Mike Martinez Mayor Will Wynn Council Member Sheryl Cole)
Ordinance No. 20070111-053 was approved.
54. Approve an ordinance amending Section 2-1-44(C) of the City Code related to the quorum requirement for the Asian American Resource Center Advisory Board. (Council Member Jennifer Kim Council Member Sheryl Cole)
Ordinance No. 20070111-054 was approved.
55. Approve a resolution directing the City Manager to process an amendment to Subchapter E of Chapter 25-2 ("Commercial Design Standards") to provide that the City may buy down the cost of owner-occupied units in vertical mixed use buildings that meet the affordability requirements under Section 4.3.3.F of Subchapter E. (Council Member Brewster McCracken Council Member Sheryl Cole)
Resolution No. 20070111-055 was approved.

Item 56 was pulled for discussion.

Item 57 was a briefing item set for 10:30 a.m.

Items 58 and 63 were Executive Session items.

Item 64 was action on an Executive Session item.

Items 65 through 82 were zoning items set for 4:00 p.m.

Items 83 through 87 were public hearings set for 6:00 p.m.

BRIEFING

57. Update on Homeless Services

The presentation was made by Bert Lumbreras, Assistant City Manager; Rick Rivera, Chair of the Homeless Task Force; John Nyfeler, Chair of Ending Chronic Homelessness in Our

Communication; Allan Graham, President of Mobile Loaves and Fishes; Richard Troxell, President of House the Homeless; and David Lurie, Director of Health Department.

DISCUSSION ITEM

56. Direct the City Manager to create guidelines and criteria for the Congress Avenue Retail Retention and Enhancement Fund, including eligibility and application procedures and return to Council for approval on or before February 15, 2007. (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley Council Member Mike Martinez)

The motion directing the City Manager to create guidelines and criteria was approved on Mayor Pro Tem Dunkerley's motion, Council Member Martinez' second on a 7-0 vote.

CITIZEN COMMUNICATIONS; GENERAL

Alfonso Pena - Issues with City Employee's involved in building code enforcement/inspections. He was not present when his name was called.

CarolAnneRose Kennedy - bin HAD'n LETTER to OSAMA

Paul Robbins - City Issues

Colin Clark - Barton Springs

Pat Johnson - APD Wrecker Enforcement Unit donation. He was not present when his name was called.

John Kim - Texas Workforce Commission & ACC. He was not present when his name was called.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:28 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

58. Discuss legal issues concerning legislation in the 80th Legislative Session. (Private Consultation with Attorney - Section 551.071)
This item was withdrawn.
59. Discuss legal issues concerning development at Northcross Mall. (Private Consultation with Attorney - Section 551.071)
60. Discuss legal issues relating to the labor negotiations for a Meet and Confer contract with the Austin Public Safety Officers Association. (Private Consultation with Attorney - Section 551.071)

61. Discuss legal issues related to representation and indemnification of City employees, officials and volunteers. (Private Consultation with Attorney - Section 551.071)
62. Discuss legal issues concerning Olive Grove Partners II, Ltd. v. The City of Austin; Cause No. GN501057, in the 126th Judicial District Court of Travis County, Texas. (concerns an alleged breach of contract) (Private Consultation with Attorney - Section 551.071)

Item 63 was discussed later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 3:56 p.m.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 3:57 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance Corporation. See separate minutes.

AHFC adjourned and Mayor Wynn called the Council Meeting back to order at 4:10 p.m.

ACTION ON EXECUTIVE SESSION ITEM

64. Approve a settlement in Olive Grove Partners II, Ltd. v. The City of Austin; Cause No. GN501057, in the 126th Judicial District Court of Travis County, Texas. (concerns an alleged breach of contract)
The motion authorizing a settlement in the amount of \$51,000, plus the \$24,000 left on the commercial lease contract, for a total settlement amount of \$75,000, was approved on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

65. C14-05-0112 - Riverside Neighborhood Plan - Tract 9 - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1708, 1712 and 1720 South Lakeshore Drive (Town Lake Watershed) from multi-family residence-medium density (MF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning with conditions. First Reading approved on November 16, 2006. Vote: 7-0. Second reading approved on December 14, 2006. Vote: 7-0. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.
This item was postponed to February 15, 2007 at the staff's request.
66. NPA-05-0021 - East Riverside/Oltorf Combined Neighborhood Plan - Approve third reading of an ordinance amending Ordinance 20061116-055, the East Riverside/Oltorf Combined Neighborhood Plan, to establish a mixed use designation on the future land use map for the following tracts: 2017 E. Riverside Drive (Tract 41); 2003, 2005, 2007, 2009, 2011, 2013, 2015, 2017 E. Riverside Drive and 1407 ½ Royal Crest Drive (Tract 43); 2003 E. Riverside Drive (Tract 44); The combined planning area is bounded by IH-35 on the west, Town Lake and the Colorado River on the north, Grove Boulevard and Montopolis Drive on the east and State Highway 71 (Ben White Boulevard East) on the south. First reading approved on October 19, 2006. Vote: 6-1. (Kim-Nay). Second reading approved on November 16, 2006. Vote: 6-0-1 (Kim-abstained). Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen 974-7226

Ordinance No. 20070111-066 was approved. Council Member Kim voted nay.

67. C14-05-0112 – Riverside Neighborhood Plan Combining District (Tracts 41, 43, 44)- Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning three tracts locally known as 2017 E. Riverside Drive (Tract 41); 2003, 2005, 2007, 2009, 2011, 2013, 2015, 2017 E. Riverside Drive and 1407 ½ Royal Crest Drive (Tract 43); 2003 E. Riverside Drive (Tract 44); These tracts lie within the Town Lake Watershed. The proposed zoning change will create the Riverside Neighborhood Plan Combining District (NPCD) and implement the land use recommendations of the East Riverside/Oltorf Combined Neighborhood Plan. Under the proposed Riverside NPCD, “Small Lot Amnesty”, “Garage Placement”, “Impervious Cover and Parking Placement Restrictions” and “Prohibited Parking in the Front Yard” may apply. The City Council may approve a zoning change to any of the following: Rural Residential (RR); Single-Family Residence – Large Lot (SF-1); Single-Family Residence—Standard Lot (SF-2); Family Residence (SF-3); Single-Family – Small Lot & Condominium Site (SF-4A/B); Urban Family Residence (SF-5); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-family Residence - Low Density (MF-2); Multi-family Residence - Medium Density (MF-3); Multi-family Residence – Moderate-High Density (MF-4); Multi-family Residence - High Density (MF-5); Multi-family Residence - Highest Density (MF-6); Mobile Home Residence (MH); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Commercial Recreation (CR); Neighborhood Commercial (LR); Community Commercial (GR); Warehouse / Limited Office (W/LO); Commercial Services (CS); Commercial-Liquor Sales (CS-1); Commercial Highway (CH); Industrial Park (IP); Major Industrial (MI); Limited Industrial Services (LI); Research and Development (R&D); Development Reserve (DR); Agricultural (AG); Planned Unit Development (PUD); Historic (H); and Public (P). A Conditional Overlay (CO), Planned Development Area Overlay (PDA), Mixed Use Combining District Overlay (MU); Neighborhood Conservation Combining District (NCCD); or Neighborhood Plan Special Use (NP) may also be added to these zoning base districts. First reading approved on October 19, 2006. Vote: 6-1 (Kim-Nay). Second reading approved on November 16, 2006. Vote: 6-0-1 (Kim-abstained). Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Robert Heil 974-2330 and Melissa Laursen 974-7226

Ordinance No. 20070111-067 was approved. Council Member Kim voted nay.

Item 68 was reconsidered later in the meeting.

69. C14-06-0098 - Harris Ridge - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13809 Harris Ridge Boulevard (Harris Branch Watershed) from limited industrial-conditional overlay (LI-CO) combining district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 1 and limited industrial-conditional overlay (LI-CO) combining district zoning for Tract 2. First reading approved on December 7, 2006. Vote: 7-0. Applicant: Capital City-Howard Lane, Ltd. (Christopher H. Whitworth). Agent: Momark Development (Chris Risher). City Staff: Tina Bui, 974-2755.

This item was postponed to February 15, 2007 at the staff's request.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

70. C14-06-0192 - Everly Estates - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2612 Westlake Drive (Lake Austin Watershed) from lake Austin residence (LA) district zoning to single-family residence-large lot (SF-1) district zoning. Staff Recommendation: To grant single-family residence-large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To deny single-family residence-large lot (SF-1) district zoning. Applicant: Tomie Thomas Manderson Trust (Darin Davis). Agent: Vaughn & Associates (Rick Vaughn). City Staff: Jorge E. Rousselin, 974-2975. A valid petition has been filed in opposition to this rezoning request.
This item was withdrawn by the applicant.
72. NPA-06-0010.01 - Cristo Rey Catholic Church - Conduct a public hearing and approve an ordinance amending Ordinance No. 011213-43, the Holly Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, by amending the future land use map from single family to office use for the property located at 2201-2205 East 2 1/2 Street (Town Lake Watershed). Staff Recommendation: To grant office use. Planning Commission Recommendation: To grant office use. Applicant: Catholic Diocese of Austin (Gregory M. Aymond). City Staff: Adrienne Domas, 974-6355.
The first reading of the ordinance for office use was approved and staff was directed to bring it back for final action on January 25, 2007.
73. C14-06-0196 - Cristo Rey Catholic Church - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2201-2205 E. 2 1/2 Street (Town Lake Watershed) from family residence (SF-3) district zoning to general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Applicant: Catholic Diocese of Austin (Gregory M. Aymond). City Staff: Robert Heil, 974-2330.
The first reading of the ordinance for general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning was approved and staff was directed to bring it back for final action on January 25, 2007.
74. C14-06-0201 - Cearley Mobile Homes - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8703 F.M. 969 (Walnut Creek Watershed) from development reserve (DR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant and Agent: Daniel Cearley. City Staff: Robert Heil, 974-2330.
The first reading of the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.
75. C14-06-0216 – Hwy. 290 Venture Rezoning - Conduct a public hearing and approve amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5611 West U.S. Highway 290 West (Barton Creek Watershed – Barton Springs Zone) from single-family residence-standard lot (SF-2) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial (GR) district zoning. Planning Commission Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning. Applicant: HWY 290 Venture JSM, L.P. (Jacque Wittmuss). Agent: Holford Group (Duane Hutson). City Staff: Wendy Walsh, 974-7719.

Ordinance No. 20070111-075 for community commercial-mixed use (GR-MU) combining district zoning was approved.

76. C2A-84-002 - Schlumberger PDA Amendment #5 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the City Code by rezoning property locally known as 8311 RR 620 North (Bull Creek Watershed from research and development-planned development area R&D - PDA) combining district zoning to research and development-planned development area (R&D - PDA) combining district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant research and development-planned development area (R&D-PDA) combining district zoning with conditions. Applicant: USL Austin Reserve, L.P. Agents: Armbrust & Brown, L.L.P. (Richard Suttle) and Consort (Ben Turner). City Staff: Tina Bui, 974-2755.
The first reading of the ordinance for research and development-planned development area (R&D-PDA) combining district zoning with conditions was approved. Council indicated they may want to change the allowed uses on lot one before second and third readings.
77. C14-06-0186 - North University NCCD Amendment - City Initiated - Conduct a public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as the area bounded by 38th Street to the North; 27th Street to the South; Duval Street to the East; and Guadalupe Street to the West (Shoal Creek, Waller Creek and Boggy Creek Watersheds) from neighborhood conservation combining district-neighborhood plan (NCCD-NP) combining district zoning to neighborhood conservation combining district-neighborhood plan (NCCD-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To grant neighborhood conservation combining district-neighborhood plan (NCCD-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant neighborhood conservation combining district-neighborhood plan (NCCD-NP) combining district zoning to change a condition of zoning. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge E. Rousselin, 974-2975. A valid petition has been filed in opposition to this rezoning request.
Ordinance No. 20070111-077 for neighborhood conservation combining district-neighborhood plan (NCCD-NP) combining district zoning to change a condition of zoning was approved. This was passed on an emergency basis making it effective immediately.
80. NPA-06-0009.01 - University Enterprises - Conduct a public hearing and approve an ordinance amending Ordinance No. 011213-41, the Central East Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, by amending the future land use map from single family to community commercial for the property located at 1901-1903 E. 11th Street. Staff Recommendation: To deny community commercial designation. Planning Commission Recommendation: To deny community commercial designation. Applicant: University Enterprises (Bertha Means). Agent: Carter Design Group (Donna Carter). City Staff: Robert Heil, 974-2330.
This item was postponed to February 1, 2007 at the neighborhood's request.
81. C14-06-0159 - University Enterprises - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1901-1903 E. 11th Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Staff Recommendation: To deny community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Planning Commission Recommendation: To deny community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Applicant: University Enterprises (Bertha Means). Agent: Carter Design Associates (Donna Carter). City Staff: Robert Heil, 974-2330.
This item was postponed to February 1, 2007 at the neighborhood's request.

68. C14-06-0029 - 620 North - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 15400-15402 North FM 620 (Lake Creek Watershed) from development reserve (DR) district zoning and interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading approved on November 16, 2006. Vote: 7-0. Applicant and Agent: Ali Bahrami. City Staff: Wendy Walsh, 974-7719.

Ordinance No. 20070111-068 for community commercial-conditional overlay (GR-CO) combining district zoning was approved as part of the consent action.

A motion to reconsider Item 68 was approved on Mayor Pro Tem Dunkerley's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Cole was off the dais.

Ordinance No. 20070111-068 for community commercial-conditional overlay (GR-CO) combining district zoning was approved with the following additions on Mayor Pro Tem Dunkerley's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Cole was off the dais. The changes were: Auto sales and general retail sales would be removed from the prohibited use list and restaurant use would be added to the conditional use list.

ZONING DISCUSSION ITEMS

71. C14-06-0193 – Southridge Plaza Shopping Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 502 West William Cannon Drive (Williamson Creek Watershed) from commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning for Tract 1; and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tracts 2 and 3. Staff Recommendation: To grant commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning for Tract 1; and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tracts 2 and 3. Planning Commission Recommendation: To grant commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning for Tract 1; and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tracts 2 and 3. Applicant: Weingarten Realty Investors (M. Candace DuFour). Agent: Land Answers (Jim Wittliff). City Staff: Wendy Walsh, 974-7719.

The public hearing was closed and Ordinance No. 20070111-071 for commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning for Tract 1; and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tracts 2 and 3 was approved on Mayor Pro Tem Dunkerley's motion, Council Member Leffingwell's second on a 7-0 vote with the following conditions. The conditional overlay prohibits auto sales, auto washing and pawn shop services, and limits vehicle trips to 2,000 per day on Tract 1.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 5:34 p.m.

EXECUTIVE SESSION CONTINUED

63. Discuss the proposed sale or lease of the Seaholm Power Plant building and property on West Cesar Chavez Street for redevelopment. (Real Property – Section 551.072)

LIVE MUSIC

Doug Moreland

PROCLAMATIONS

Distinguished Service Award In Memoriam – Tom Medders – to be presented by City Manager Toby Hammett Futrell and Council Member Brewster McCracken and to be accepted by Ken Medders

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 6:41 p.m.

PUBLIC HEARINGS

83. Conduct a public hearing and consider floodplain variances requested by Mr. Mickey Bentley on behalf of Mr. William Sisco and Ms. Elizabeth Sisco to allow construction of a duplex at 5613 Joe Sayers Avenue in the 100-year and 25-year floodplains of the Hancock Branch of Shoal Creek and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the proposed duplex.
This item was postponed to January 25, 2007 on Council Member McCracken's motion, Council Member Cole's second on a 6-0 vote. Council Member Kim was off the dais.
85. Conduct a public hearing and consider action on an appeal by Michelle Snider and Charlie Palmer of the Zoning and Platting Commission's decision to deny a Conditional Use Permit for Shady Oaks Dog Kennel located at 5604 Travis Cook Road (Site Plan Number: SPC-06-0027A). Denied by Zoning and Platting Commission.
This item was postponed to February 1, 2007 on Council Member McCracken's motion, Council Member Cole's second on a 6-0 vote. Council Member Kim was off the dais.
87. Conduct a public hearing and consider action on a request made by Reagan National Advertising, Inc., to waive or modify requirements established by Section 25-10-152(B) (6) of the City Code for existing off-premise signs (billboards) proposed for removal and relocation (for off-premise signs located at 1209 East 11th Street, at Navasota; 6403 North Lamar Boulevard, at 720 Lamar Place; 2007 South Lamar Boulevard, near Oltorf; 8711 North Lamar Boulevard, near West Elliott; and 6400 Burleson Road, just east of its intersection with Montopolis Drive to be relocated to 3205 RR 620 North; 3717 RR 620 North; 6900 RR 620 North; 6901 RR 620 North; and 9706 Bilbrook Place, at Slaughter Lane east of Manchaca).
This item was postponed to February 15, 2007 on Council Member McCracken's motion, Council Member Cole's second on a 6-0 vote. Council Member Kim was off the dais.

ZONING DISCUSSION ITEMS CONTINUED

78. C14-04-0030 - Time Insurance, Inc. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405-1415 East Riverside Drive (Town Lake Watershed) from limited office (LO) district zoning and family residence (SF-3) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Schuler Family Trust 1998 (John Schuler). Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.

The public hearing was closed and the first reading of the ordinance for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote with the following conditions. The development would meet: Vertical Mixed Use (VMU) requirements, Two Star Green Building Program requirements, and, at a minimum, VMU Affordability Standards.

79. C14-06-0117 - Time Insurance 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1317 East Riverside Drive and 1220 IH-35 South (Town Lake Watershed) from community commercial-mixed use (GR-MU) combining district zoning to limited industrial service-planned development area (LI-PDA) combining district zoning. Staff Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning. Planning Commission Recommendation: To grant limited industrial service-planned development area (LI-PDA) combining district zoning. Applicant: Schuler Family Trust 1988 (John Schuler). Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330.

The public hearing was closed and the first reading of the ordinance for limited industrial service-planned development area (LI-PDA) combining district zoning was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote with the following conditions. The development would meet: Vertical Mixed Use (VMU) requirements, Two Star Green Building Program requirements, and, at a minimum, VMU Affordability Standards.

82. C814-06-0068 - St. David's PUD - Conduct a public hearing and approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 919-1025 East 32nd Street; 918-1004 East 32nd Street; 900 East 30th Street; and 3000-3018 North IH-35 (Waller Creek Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning; general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning; and community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning. First reading approved on December 7, 2006. Vote: 6-0 (Kim off the dais). Applicant: Columbia/St. David's healthcare System, L.P. (Malcom Belisle); St. David's Healthcare Partnership (Bruno & Judith Ybarra). Agent: Clark, Thomas & Winters, P.C. (John M. Joseph). City Staff: Jorge E. Rousselin, 974-2975.

The public hearing was closed and the second reading, as amended below, for planned unit development-neighborhood plan (PUD-NP) combining district zoning was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 7-0 vote with the following modifications.

"1.) Building height governed in zones pursuant to the Land Use Plan, Exhibit "A", as follows:

*Zone 1 – footprint of the neo-natal intensive care unit may go up to 90 feet

*Zone 2 – 60 feet

*Zone 3 – 90 feet

*Zone 4 – 40% at 125 feet; balance at 90 feet

*Zone 5 – 50% at 175 feet; balance at 90 feet

*Zone 6 – Shall be maintained as a landscaped area

*Zone 7 – 80 feet.

2.) Number 5 of the Planning Commission's recommendation, relating to landscaping, shall be modified to read as follows: "The landscape improvements along Red River shall be addressed as shown on Exhibit "B" at the time improvements along Red River are constructed;"

3.) An interior courtyard shall be maintained in Zone 4;

4.) Trees in Zone 6 shall be protected;

5.) The major tree located in Zone 5 (near 30th St.) shall be protected;

- 6.) The expansion of the neo-natal intensive care unit (Zone 1) will utilize the existing footprint incorporating a more transparent and lighter element for the expansion and will be capped with a roof which is visually pleasing and separates the building from the sky; and
- 7.) The City of Austin recommendations in the Traffic Impact Analysis shall be codified in a restrictive covenant with the provision that future expansion of the site as described within the PUD will not exceed 1,242,042 sq. ft., unless an updated TIA is prepared and submitted, and that any necessary mitigation is addressed.”

PUBLIC HEARINGS

84. Conduct a public hearing and consider action on an appeal by Gloria Moreno of the Planning Commission's decision to grant a waiver to the compatibility setback for the Ends on Sixth, located at 2608 East 6th Street, to allow a driveway within 25 feet of a single-family lot (Site Plan Number: SP-06-0318C). Recommended by the Planning Commission.
- The public hearing was closed and the motion denying the appeal and approving the waiver, noting the waiver is appropriate and did not harm the neighborhood, was approved on Council Member Martinez' motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote. Council Member Martinez directed staff to review the rule's applicability to other parts of the city to avoid future appeals.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

86. Conduct a public hearing to receive comments about proposed changes to the intersection of Lakewood Drive and FM 2222, and provide policy direction to the City Manager.
- The public hearing was closed and the staff recommendation was approved on Mayor Pro Tem Dunkerley's motion, Council Member Kim's second on a 7-0 vote.

Mayor Wynn adjourned the meeting at 12:41 a.m. without objection.

The minutes for the Regular Meeting of January 11, 2007 were approved on this the 25th day of January, 2007 on Council Member Cole's motion, Council Member Martinez' second on a 6-0 vote. Mayor Wynn was absent.